IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31864 of 2007(R)

PETITIONER:

BALAKRISHNAN NAIR, S/O RAMANKUTTY NAIR,
AGED 36 YEARS, KRISHNA KRIPA, MAGANAM, ORRUPURAM,
REP. BY P/A HOLDER, M.VENUGOPAL, AGED 62 YEARS,
S/O LATE BALAKRISHNAN NAIR, 'ABHILASH',
NAGARIPURAM, MANNAR, PALAKKAD-678642.

BY ADV. SRI.SAJITH KUMAR V.

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, THIRUVILWAMALA,
THRISSUR DISTRICT.

3. ASSISTANT ENGINEER,
ELECTRICAL SECTION,
THIRUVILWAMALA, THRISSUR DISTRICT.

4. SUB-ENGINEER,
ELECTRICAL SECTION, THIRUVILWAMALA,
THRISSUR DISTRICT.

BY SC FOR R1 TO R4, SRI,P.P.THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 31864/2007

Dated this the 26th day of October, 2007

JUDGMENT

The petitioner challenges the change of tariff. KSEB has proceeded on the basis that premises is being used as a hostel for students.

2. Petitioner's contention is that independent flats are leased out to different individuals under the lease agreements which are produced along with the writ petition. If that be so, it is for the tenants to ensure that supply of energy is enjoyed by them in accordance with law.

3. The premises in relation to which the impugned action has been taken are presently under possession of tenants. As contended by the petitioner, who claims to be the landlord, it is the use of the premises by the tenants which had resulted in the impugned action of the KSEB that need not necessarily give an independent cause of action for the landlord because if tenants quit, it would be

open to the landlord to bring in further change of user to the notice of the Board and avail the proper tariff as would then apply.

4. Under such circumstances, I do not find that the petitioner has a sustainable legal right to litigate on the change of tariff as at present.

Writ petition is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs